

the Constitutional Rule that bills be read upon three several days in each House be suspended, and the said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

# **SIXTY-SIXTH DAY.**

(Continued.)

Senate Chamber,  
Austin, Texas,  
May 6, 1931.

The Senate met at 9:30 o'clock a. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

## **House Bill No. 770.**

The question recurred upon the motion to print H. B. No. 770 on minority report.

Senator Woodruff moved to lay the motion on the table subject to call.

Senator Woodul moved to table the motion to lay on the table subject to call. The motion prevailed by the following vote:

### **Yeas—15.**

Cousins.	Patton.
Gainer.	Russek.
Greer.	Stevenson.
Holbrook.	Thomason.
Loy.	Williamson.
Neal.	Woodul.
Oneal.	Woodward.
Parr.	

### **Nays—13.**

Berkeley.	Moore.
Cunningham.	Poage.
DeBerry.	Pollard.
Hardin.	Rawlings.
Hopkins.	Small.
Hornsby.	Woodruff.
Martin.	

Absent.

Parrish.	Purl.
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Absent—Excused.

Beck.

Senator Holbrook moved the previous question on the motion to print. The motion was lost by the following vote:

### **Yeas—12.**

Gainer.	Russek.
Holbrook.	Stevenson.
Moore.	Thomason.
Neal.	Williamson.
Parr.	Woodul.
Patton.	Woodward.

### **Nays—15.**

Berkeley.	Oneal.
Cousins.	Parrish.
Cunningham.	Poage.
DeBerry.	Pollard.
Hopkins.	Purl.
Hornsby.	Rawlings.
Loy.	Small.
Martin.	

Absent.

Greer.	Woodruff.
Hardin.	

Absent—Excused.

Beck.

The motion to print was lost by the following vote:

### **Yeas—10.**

DeBerry.	Poage.
Hopkins.	Purl.
Hornsby.	Rawlings.
Martin.	Small.
Moore.	Woodruff.

### **Nays—16.**

Berkeley.	Patton.
Cousins.	Pollard.
Gainer.	Russek.
Holbrook.	Stevenson.
Neal.	Thomason.
Oneal.	Williamson.
Parr.	Woodul.
Parrish.	Woodward.

Absent.

Hardin.	Loy.
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Absent—Excused.

Beck.

(Pair Recorded.)

Senator Cunningham (present) who would vote yea, with Senator Greer (absent) who would vote nay.

## **Executive Session Set.**

On motion of Senator Woodul, the Senate voted to go into executive session tomorrow morning at 11:50 o'clock.

**Motion to Appoint Committee.**

On motion of Senator Hopkins, the Chair was directed to appoint a committee of eight, with the President of the Senate as Chairman, to receive Hon. Jouett Shouse when he visits Austin.

**Special Order Set.**

Senator Woodruff moved to set S. B. No. 602 as special order Friday morning after the morning call. The motion prevailed by the following vote:

Yeas—25.

Berkeley.	Parr.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodward.
Oneal.	

Nays—3.

Parrish.	Woodul.
Rawlings.	

Absent.

Greer.	Hardin.
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Absent—Excused.

Beck.

**Simple Resolution No. 137.**

Senator Hopkins sent up the following resolution:

Whereas, The Honorable Jouett Shouse has accepted the invitation of the people of Texas, as extended to him through their representatives in the Senate, to address the Legislature of Texas in joint session; and,

Whereas, Tuesday evening, May 12, has been set aside for receiving our distinguished guest; and,

Whereas, Mr. Shouse is one of the outstanding Democrats of the Nation, an authority on Democratic history, a politician of the school of Jefferson and Wilson, more intimately informed as to the present political outlook than any other man of our party; and,

Whereas, The possibility and prob-

ability of victory being brought back to the Democratic Party in the national elections of 1932 becomes increasingly strong as the lines of battle are drawn and public interest becomes aroused; and,

Whereas, Mr. Shouse brings to the Democracy of Texas a message calculated to result in a closer and more binding cooperative sentiment in the ranks of our party; and,

Whereas, It is the desire of the Senate of Texas that our citizens be afforded the rare opportunity of receiving this message so to be brought to us; now, therefore, be it

Resolved by the Senate of Texas, That a blanket invitation be and it is hereby extended to all the Democrats of our State to assemble with us on the evening of Tuesday, May 12, all ranks and classes of Democratic voters being hereby cordially invited and urged to assemble in unprecedented numbers to receive our distinguished guest and hear his message, to the end that such renewed courage and enthusiasm may be aroused in our ranks as to drive from power our ancient enemy, the Republican Party, which has so ruthlessly plundered our nation and its people.

HOPKINS.

Read and adopted.

**Messages From the House.**

Hall of the House of Representatives,  
Austin, Texas, May 6, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to concur in Senate amendments to House Bill No. 1019 and requests the appointment of a conference committee to adjust the differences between the two Houses. The Dallas delegation appointed on the part of the House as conferees:

Keller, McCombs, Hughes, Savage, Holder and Coombs.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, May 6, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

H. C. R. No. 46, Relative to sine die adjournment of the Regular Session of the Forty-second Legislature, the same having been set for May 22 by the House.

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

The House has refused to concur in Senate amendments to House Bill No. 335 and requests the appointment of a conference committee to adjust the differences between the two Houses. The following are appointed on the part of the House: Murphy, McGregor, Davis, Beck and Pope.

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, May 5, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to concur in Senate amendments to House Bill No. 336 and requests the appointment of a conference committee to adjust the differences between the two Houses. The following are appointed on the part of the House:

Murphy, McGregor, Davis, Beck and Pope.

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### Conference Committee Granted.

On motion of Senator Purl, the Senate granted the request of the House for a Conference Committee on H. B. No. 1019.

#### Senate Bill No. 564.

Senator Stevenson called up the motion spread on the Journal to reconsider the vote by which S. B. No. 564 was finally passed and, by unanimous consent, withdrew the motion.

#### Special Order Set.

On motion of Senator Small, H. B. No. 358 was set as special order next Friday immediately following S. B. No. 602.

#### Senate Bill No. 238.

The Chair laid before the Senate on its third reading the following bill:

By Senator Patton:

S. B. No. 238, A bill to be entitled "An Act to give and grant to J. W. Howard and his wife, Maude Howard, leave and permission to prosecute, in the proper courts of Houston County, Texas, suit against the State of Texas, and D. K. Martin, Cone Johnson and W. R. Ely, as Highway Commissioners of the State of Texas, in their official capacity only, for personal injuries to the wife Maude Howard and damage to their automobile; and declaring an emergency."

Read third time and finally passed by the following vote:

Yeas—30.

Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Beck.

#### Senate Bill No. 617.

The Chair laid before the Senate by unanimous consent the following bill:

By Senator Rawlings:

S. B. No. 617, A bill to be entitled "An Act to amend Chapter 13 of Title 28 of the Revised Civil Statutes of Texas, by adding thereto an Article to be Article 1180A, making certain and establishing the right of cities operating under the provisions of said Chapter 13, which may have a population exceeding 150,000 people according to the last or any succeeding Federal Census, to provide improvements and works to control any harmful excess of water by any mechanical means, also to cooperate with other governmental agencies of the State for like purpose and giving such other governmental agencies the power to cooperate with such cities to accomplish con-

trol of harmful excess of water : providing for contract between cities and such other governmental agencies for such purpose; and prescribing that money required for such purpose may be provided by any such city and/or other governmental agency in any manner lawful under the Constitution of Texas and not prohibited by the Charter and/or statutory act under which any such city or other contracting body politic may have its being; and declaring an emergency."

Read second time.

Senator Woodul sent up the following amendments:

Amend Senate Bill No. 617, by inserting after the word "people" in line 30 the following:

"and less than 240,000 people."

WOODUL.

Read and adopted.

Amend Caption to Senate Bill No. 617, by inserting after the word "people" at the end of line 12 and before the word "according" at the beginning of line 13, the following:

"and less than 240,000 people."

WOODUL.

Read and adopted.

The bill was passed to engrossment.

On motion of Senator Rawlings the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 617 was put on its third reading and final passage, by the following vote:

Yeas—30.

Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Beck.

Read third time and finally passed by the following vote:

Yeas—30.

Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Beck.

Senate Bill No. 383.

The Chair laid before the Senate by unanimous consent the following bill:

S. B. No. 383, A bill to be entitled "An Act providing for the adoption of minors, establishing legal relations between the children and adopted parents and repealing Title 3 of the Revised Civil Statutes of the State of Texas, Revision of 1925, and declaring an emergency."

Read second time.

Senator Woodul sent up the following amendments:

Amend S. B. No. 383 by inserting the following in lieu of Section 10:

Section 10. When a child is adopted in accordance with the provisions of this Article, all legal relationship and all rights and duties between such child and its natural parents shall cease and determine. Said child shall thereafter be deemed and held to be, for every purpose, the child of its parent or parents by adoption as fully as though born of them in lawful wedlock. Said child shall be entitled to proper education, support, maintenance, nurture and care from said parent or parents by adoption, and shall inherit from said parent or parents by adoption, and as the child of said parent or parents by adoption, as fully as though born to them in lawful wedlock; Subject, however, to the provisions of this Act. Said parent or parents by adoption shall be entitled to the services, wages, control, custody and company of said adopted child, and shall, as such

adopting parent or parents, inherit from and as the parent or parents of said adopted child as fully as though the child had been born to them in lawful wedlock; Provided, however, that upon the death of such adopted child, while unmarried and without issue of its body, all of its property, of whatsoever kind and nature, shall pass and descend to the adopting parent or parents, if living, but if such adopting parent or parents be not living, then all such property shall pass and descend to the next of kin of said adopting parent or parents according to the then law of descent and distribution, and not to the next of kin of such adopted child; and Provided that, upon the death of such adopted child leaving surviving a husband or wife and child or children, or leaving surviving a husband or wife and no child or children, or leaving surviving a child or children and no husband or wife, then and in such event all property of whatsoever kind and nature of said adopted child shall pass and descend to said husband or wife and child or children or either of them as the case might be, according to the then law of descent and distribution; Provided, further, that upon the death of a child of an adopted child without leaving a surviving father or mother, or husband or wife, or child or children, or a brother or brothers, or sister or sisters, all property of whatsoever kind of such deceased child of an adopted child shall pass and descend to the adopting parent or parents of such adopted child, if living, but if not living, then to the next of kin of such adopting parent or parents, according to the then law of descent and distribution, and not to the next of kin of such adopted child; Provided, further, that if such adopting parent or parents shall have other children, both natural children and adopted children, then, in such event, the children by birth and adoption shall respectively inherit from and through each other as if all such children had been born in lawful wedlock of the same parents; Provided, further, that nothing in this Act shall be construed so as to prevent or debar an adopted child from disposing of its property by Will according to the laws of this State; and finally, Provided, that the legal adop-

tion of a child, according to the laws of another State of the United States, residing in the State of Texas, shall be, in all respects, valid and binding as if the adoption had occurred in the State of Texas, insofar as the effect of the adoption and the rights of inheritance may be concerned as provided in this Act.

WOODUL.

Read and adopted.

Amend S. B. No. 383 by striking out the word "two" wherever it appears in Section 7 and inserting in lieu thereof the word "five."

WOODUL.

Read and adopted unanimously.

Senator Martin sent up the following amendment:

Amend S. B. No. 383 by striking out Section 11, page 3.

MARTIN.

The amendment was read.

#### Simple Resolution No. 138.

Senator Hardin sent up the following resolution:

Whereas, At the annual meeting of the Texas Junior College Public Speakers Association which was held in Temple, Texas, on May 1, 1931, the Temple teams won first honors in both boys' and girls' debates, which honor is especially notable because these teams represent different sides of the question under discussion, competing against Junior Colleges throughout the State, thus bringing double honors to the Temple Junior College; and

Whereas, The subject for discussion was "Resolved That the Nations of the Earth Should Adopt a Free-Trade Policy," the Temple College being represented by Lee Thomas and Lamar Zievley for the boys, and Idalene Madely and Nan Stephens for the girls.

Therefore, In recognition of their talent, efforts and achievements, Be It Resolved, by the Senate, That the use of the Senate Chamber be tendered these groups and the public between the hours of 1:00 o'clock and 2:30 o'clock p. m., on Friday, May 8, 1931, for the purpose of debating this subject for the benefit of the public.

HARDIN.

Read and adopted.

**Recess.**

On motion of Senator Woodward, the Senate, at 12:07 o'clock p. m., recessed until 2 o'clock p. m.

**After Recess.**

The Senate met at 2 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

**Senate Bill No. 383.**

The question recurred upon the pending amendment to S. B. No. 383.

Senator Martin withdrew the amendment and sent up the following amendment:

Amend S. B. No. 383, Section 11, page 3, by adding after the word "record," the last word in line 21, the following: "except that all judgments, orders and decrees of the Court may be open to inspection by any person and certified copies may be obtained from the clerk of the court."

MARTIN.

Read and adopted unanimously.

The bill was finally passed by the following vote:

Yeas—29.

Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Nay—1.

Purl.

Absent—Excused.

Beck.

**Senate Bill No. 31.**

Senator Williamson called up from the table the following bill:

By Senator Williamson:

S. B. No. 31, A bill to be entitled "An Act to amend Section 16, Senate

Bill 11, Chapter 42, General Laws of the Second Called Session of the Thirty-first Legislature."

The question recurred upon the pending amendment by Senator Poage.

Senator Williamson sent up the following amendment:

Amend by striking out line 21 down to and including "each" and inserting in lieu thereof the following: "The personnel shall consist of one Chief at a salary of \$4,500.00 per year, five captains at a salary of \$3,000.00 per year each, five Lieutenants at a salary of \$2,700.00 per year each, five Sergeants at a salary of \$2,400.00 per year each, one hundred thirty-four privates at a salary of \$2,100.00 per year each, one secretary at a salary of \$2,100.00 per year, two stenographers at \$1,800.00 per year each, one typist at \$1,500.00 per year, four file clerks at \$1,200.00 per year each."

WILLIAMSON.

Read and lost by the following vote:

Yeas—11.

Gainer.	Rawlings.
Greer.	Russek.
Holbrook.	Williamson.
Neal.	Woodul.
Parrish.	Woodward.
Patton.	

Nays—16.

Berkeley.	Oneal.
Cousins.	Parr.
Cunningham.	Poage.
DeBerry.	Pollard.
Hornsby.	Purl.
Loy.	Small.
Martin.	Thomason.
Moore.	Woodruff.

Absent.

Hardin.	Stevenson
Hopkins.	

Absent—Excused.

Beck.

Senator Purl moved to reconsider the vote by which the substitute was lost.

Senator Pollard moved to table the motion. The motion to table prevailed.

The original amendment was adopted.

Senator Williamson moved to re-

consider the vote by which the amendment was adopted. The motion prevailed by the following vote:

Yeas—13.

Gainer.	Rawlings.
Greer.	Russek.
Holbrook.	Small.
Neal.	Stevenson.
Parrish.	Williamson.
Patton.	Woodward.
Purl.	

Nays—12.

Berkeley.	Oneal.
DeBerry.	Parr.
Hornsby.	Poage.
Loy.	Pollard.
Martin.	Thomason.
Moore.	Woodruff.

Present—Not Voting.  
Hardin.

Absent.

Cousins. Hopkins.

Absent—Excused.  
Beck.

(Pair Recorded.)

Senator Woodul (present) who would vote yea, with Senator Cunningham (absent) who would vote nay.

Senator Woodruff sent up the following substitute for the amendment:

Amend by substituting appropriately the words and figures, in the Poage amendment: one "One Chief at \$3,600.00 per year, three stenographers at \$4,500.00 per year, one secretary at \$2,000.00 per year, 135 patrolmen at \$1,600.00 per year each, 10 patrolmen at \$2,100.00 per year each."

WOODRUFF.

The substitute was read.

Senator Purl sent up the following amendment to the substitute:

Amend the substitute, line 23, by striking out \$3,000.00 each and substitute \$2,600.00 each. Line 24 strike out \$2,700.00 and substitute \$2,400.00. Line 25, strike out \$2,100.00 and substitute \$1,900.00. Line 26, strike out \$2,100.00 and substitute \$1,800.00 each.

PURL.

The amendment to the substitute was read.

The substitute and the amendment to the substitute were withdrawn.

Senator Woodruff sent up the following substitute:

Amend S. B. No. 31 by striking out all words and figures fixing salaries of personnel, said salaries to be fixed by the Legislature.

WOODRUFF.

Read and adopted by the following vote:

Yeas—13.

Cousins.	Russek.
Gainer.	Stevenson.
Greer.	Williamson.
Martin.	Woodruff.
Neal.	Woodul.
Patton.	Woodward.
Pollard.	

Nays—12.

Berkeley.	Loy.
Cunningham.	Parr.
DeBerry.	Poage.
Holbrook.	Purl.
Hopkins.	Small.
Hornsby.	Thomason.

Absent.

Hardin. Parrish.  
Moore. Rawlings.

Absent—Excused.

Beck. Oneal.

The amendment as substituted was adopted.

Senator Purl sent up the following amendment:

Amend S. B. No. 31 by adding a new Section 16a-2: "Any person guilty of violating the provisions of Section 16a-1, shall be discharged from employment by the State and shall not be eligible to hold office under this Act for a period of five years."

PURL.

Read and adopted.

The bill was passed to engrossment.

On motion of Senator Williamson the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 31 was put on its third reading and final passage, by the following vote:

## Yeas—29.

Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Parr.	

## Absent—Excused.

Beck.	Oneal.
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Read third time and finally passed by the following vote:

## Yeas—16.

Gainer.	Patton.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Stevenson.
Neal.	Williamson.
Oneal.	Woodul.
Parrish.	Woodward.

## Nays—11.

Berkeley.	Moore.
Cunningham.	Poage.
DeBerry.	Small.
Hornsby.	Thomason.
Loy.	Woodruff.
Martin.	

## Absent.

Cousins.	Pollard.
Parr.	

## Absent—Excused.

Beck.	
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## Reason for Vote.

I vote no on S. B. No. 31 for the reason it has been so amended as in my opinion it is not for the best interest of the Department or the people.

LOY.

## Motion to Set Special Order .

Senator Woodruff moved to set S. B. No. 486 as special order Friday morning after pending special orders. The motion was lost by the following vote:

## Yeas—14.

Berkeley.	Pollard.
Cunningham.	Purl.
Gainer.	Small.
Loy.	Thomason.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

## Nays—10.

DeBerry.	Martin.
Hardin.	Parr.
Holbrook.	Patton.
Hopkins.	Russek.
Hornsby.	Stevenson.

## Absent.

Cousins.	Poage.
Greer.	Rawlings.
Parrish.	Williamson.

## Absent—Excused.

Beck.	
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(Two-thirds vote required.)

## Motion to Print.

Senator Loy spread on the Journal a motion to print H. B. No. 966 on minority report.

## Conference Committee Report.

Senator Woodward sent up the following Conference Committee report:

Hon. Edgar E. Witt, President of the Senate.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, heretofore appointed to adjust the differences between the Senate and the House on

H. B. No. 470, A bill to be entitled "An Act authorizing County Boards of School Trustees, in certain counties of Texas, to employ Rural School Supervisors in lieu of holding teachers' institutes defining their duties and fixing their compensation."

Beg leave to report that we have agreed upon the differences between the two Houses, and recommend the following:

That in place of the amendment striking out the population in the House Bill, and inserting in lieu thereof the words: "Tom Green County," the following be substituted:

"Strike out of Line 4, Section 1, of the bill the words "United States



Census of the year 1930," and substitute in lieu thereof the following: "last preceding Federal census."

The conferees upon the part of the House have agreed to the Senate amendment to Section 5 of the bill.

Respectfully submitted,

METCALFE,  
DOWELL,  
ALSUP,  
MAGEE,  
JOHNSON of Dallam.

On part of the House.  
BERKELEY,  
WOODUL,  
PURL,  
GREER.

On part of the Senate.

Read and adopted by the following vote:

Yeas—30.

Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Beck.

#### Bills Signed.

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

H. B. No. 796.	H. B. No. 159.
H. B. No. 555.	H. B. No. 402.
H. B. No. 955.	

#### Notice of Intent.

Senator Stevenson gave notice that tomorrow he would call up the motion spread on the Journal to reconsider the vote by which H. B. No. 332 was finally passed.

#### Senate Bill No. 476.

The Chair laid before the Senate as special order the following bill:

By Senator Neal:

S. B. No. 476, A bill to be entitled "An Act providing that the returns of general elections and primary elections shall be promptly transmitted as required by law; and providing penalties for violation of this Act and remedies for its enforcement; and declaring an emergency."

Read second time.

The committee substitute was adopted.

Senator Neal sent up the following amendments:

#### Amendment No. 1.

Amend S. C. S. B. No. 476 by adding in line 48, page 2, after the words "Commissioners' Courts" the words "or other proper officers."

NEAL.

Read and adopted.

#### Amendment No. 2.

Amend S. C. S. B. No. 476 by striking out all of section 1 and inserting in lieu thereof the following: "Section 1. Four days following the day of any General Primary or other election, and not before, the Commissioners' Court, or other proper officers, shall open the election returns and estimate the result, recording the state of the polls in each precinct in a book to be kept for that purpose; provided, that in the event of a failure from any cause of the Commissioners Court or other proper officers to meet on the fourth day following the election to compute the votes, then the said Commissioners Court or other said officers shall meet for that purpose upon the earliest day practicable thereafter."

NEAL.

Read and adopted.

#### Amendment No. 3.

Amend S. C. S. B. No. 476 in Section 2, line 5, page 3 of the printed bill by inserting after the words "Commissioners Court" the words "or other proper officers."

NEAL.

Read and adopted.

#### Amendment No. 4.

Amend S. B. No. 476 by striking out in line 13, page 3 "counted by the proper county executive com-

mittee" and insert in line hereof the words "officially counted."

NEAL.

Read and adopted.

Amendment No. 5.

Amend S. C. S. B. No. 476 by adding the following at the end of Section 3.

"provided that the presiding judge of such elections shall certify the official returns to the proper officials not later than twelve hours after the polls are closed at any such election."

NEAL.

Read and adopted.

Amendment No. 6.

Amend S. C. S. B. No. 476 by striking out all of Section 13, page 4 of the printed bill, and inserting in lieu thereof the following:

"Section 13. As a cumulative remedy the Attorney General, or the District or County Attorney of the County where such election is held, may institute and prosecute mandamus proceedings in the District Court of such county in which the offense occurs, against any officer or person failing to send in, certify or transmit to the seat of government, or to the Secretary of State, as the case may be, returns of elections and primary elections as required by this Act."

NEAL.

Read and adopted.

Amendment No. 7.

Amend S. B. No. 476, page 3, line 58, by adding after the word "election" the words "made to the Secretary of State."

NEAL.

Read and adopted.

Senator Hopkins sent up the following amendments:

Amend S. C. S. B. No. 476, page 4 by striking out all of line 1 after the word "Dollars" and striking out all of line 2.

HOPKINS.

Read and adopted.

Amend S. C. S. B. No. 476 by striking out all of Sections 6 and 7 on page 3.

HOPKINS.

The amendment was read.

Senator Neal moved to table the amendment. The motion was lost.

Senator Stevenson sent up the following substitute for the amendment:

Amend Senate Bill No. 476 by striking out the enacting clause.

STEVENSON.

Read and, on motion of Senator Neal, tabled.

The amendment was adopted.

Senator Hopkins sent up the following amendment:

Amend S. C. S. B. No. 476 by striking out all of Sec. 12 on page 4.

HOPKINS.

Read and adopted.

Senator Russek sent up the following amendment:

Amend S. C. S. B. No. 476 by exempting the Counties of Fayette, Colorado, Lavaca, Austin and Waller from said bill.

RUSSEK.

The amendment was read.

Senator Stevenson raised the point of order that this amendment was unconstitutional.

The Chair, Lieutenant Governor Edgar E. Witt, declined to rule on the constitutionality of the question.

Senator Neal moved to table the amendment. The motion was lost by the following vote:

Yeas—10.

Greer.	Oneal.
Hardin.	Pollard.
Hornsby.	Thomason.
Martin.	Woodruff.
Neal.	Woodward.

Nays—14.

Cousins.	Parrish.
Cunningham.	Poage.
Gainer.	Purl.
Holbrook.	Rawlings.
Hopkins.	Russek.
Loy.	Stevenson.
Parr.	Williamson.

Present—Not Voting.

Berkeley.

Absent.

DeBerry.	Small.
Moore.	Woodul.
Patton.	

Absent—Excused.

Beck.

Senator Russek received unanimous consent to withdraw the amendment.

On motion of Senator Neal, the bill was laid on the table subject to call.

Senator Parr moved that the bill with all amendments be printed in the Journal. The motion prevailed.

#### Bill Introduced.

By an affirmative vote of four-fifths of the membership of the Senate, the constitutional rule relating to the introduction of general bills during the last 90 days of the session was suspended and consent was granted to introduce the following bill:

By Senator Small:

S. B. No. 619, A bill to be entitled "An Act to amend H. B. No. 59, Acts of the Regular Session of the Forty-second Legislature; and declaring an emergency."

Read and referred to Committee on State Affairs.

Conference Committee Appointed.

The Chair appointed the following conferees on H. B. No. 1019:

Senators Purl, Woodward, Moore, Woodruff, and Martin.

#### Senate Bill No. 378.

Senator Cousins called up from the table the following bill:

By Senator Cousins:

S. B. No. 378, A bill to be entitled "An Act creating a division under the State Department of Agriculture providing for the classification and grading of rough rice; providing the rules and regulations to be promulgated by the Commissioner of Agriculture; providing the means and manner of classifying and grading of rough rice; providing for inspectors and graders for such purpose, and for their salaries; making appropriation; providing for the issuance of certificates and for the admission of same in evidence in judicial proceedings; providing that the Commissioner of Agriculture shall adopt the standards prescribed or promulgated by the United States Department of Agriculture, and be governed by the standards of rough

rice prescribed by the United States Department, or the Secretary of Agriculture, or any other place or agency of the Federal Government; providing generally for the enforcement hereof and declaring an emergency."

Senator Cousins sent up the following amendment:

Amend Senate Bill No. 378 by adding Section 4 to read as follows:

"Section 4: The purpose of this Act is to provide the rice farmers of Texas an inspector for the purpose of grading and classifying rough rice produced in Texas; and this Act shall not be considered as creating any office in the State of Texas, or causing any expense whatever to the State Government; but all expenses in administering this Act shall be born by the rice farmers of Texas, through the Rice Growers' Association."

COUSINS.

Read and adopted.

The bill was passed to engrossment.

On motion of Senator Cousins, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 378 was put on its third reading and final passage by the following vote:

Yeas—30.

Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Beck.

Read third time and finally passed by the following vote:

Yeas—24.

Berkeley.	Holbrook.
Cousins.	Hornsby.
Gainer.	Loy.

Martin.	Purl.
Moore.	Rawlings.
Neal.	Small.
Oneal.	Stevenson.
Parr.	Thomason.
Parrish.	Williamson.
Patton.	Woodruff.
Poage.	Woodul.
Pollard.	Woodward.

Nay—1.

DeBerry.

Absent.

Cunningham.	Hopkins.
Greer.	Russek.
Hardin.	

Absent—Excused.

Beck.

**Message From the House.**

Hall of the House of Representatives,  
Austin, Texas, May 6, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the Free Conference Committee Report on H. B. No. 470 by a vote of 107 yeas and 0 nays.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

**Senate Bill No. 415.**

Senator Greer called up from the table the following bill:

By Senator Beck, by request:

S. B. No. 415, A bill to be entitled "An Act to provide two hundred thousand dollars (\$200,000), or as much thereof as may be necessary, of the appropriation made by Acts of the Forty-first Legislature, Third Called Session, Chapter 14, to be used for the payment of tuition of rural high school pupils; repealing all laws in conflict herewith, and declaring an emergency."

Senator Greer sent up the following amendment:

Amend Senate Bill No. 415 as amended by striking out one hundred thousand (\$100,000.00) Dollars wherever it occurs in the bill and insert in lieu thereof the words and figures "one hundred and forty-five thousand (\$145,000.00) dollars."

GREER.

Read and adopted.

On motion of Senator Greer, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 415 was put on its third reading and final passage by the following vote:

Yeas—30.

Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Beck.

Read third time and finally passed by the following vote:

Yeas—30.

Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Beck.

**Senate Bill No. 484.**

The Chair laid before the Senate as special order the following bill:

By Senator Neal:

S. B. No. 484, A bill to be entitled "An Act to amend Article 3079, Chapter 11, Title 50 of the Revised Civil Statutes of Texas, 1925; and adding thereto Articles 3079A, 3079B and 3079C, providing for the time that electors may be chosen for President and Vice President of the

United States; the manner in which they may be elected; and how the returns shall be canvassed, and providing for the making of certificates to the Secretary of State, etc., and declaring an emergency."

Read second time.

Senator Neal sent up the following amendments:

Amend S. B. No. 484, page 1, line 23, by striking out the word "may" and inserting in lieu thereof the word "shall." And by striking out in line 24, page 1, the word "of" and inserting in lieu thereof the word "for."

NEAL.

Read and adopted.

Amend S. B. No. 484 by striking out all of Article 3079-A, and inserting in lieu thereof the following:

"Article 3079-A. A vote for the candidates of any political party for both president and vice-president of the United States shall be conclusively deemed to be a vote for candidates of the same party for Presidential electors, and shall be so counted and recorded for such electors as the State shall be empowered to elect."

NEAL.

Read and adopted.

The bill was passed to engrossment.

On motion of Senator Neal, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 484 was put on its third reading and final passage by the following vote:

Yeas—30.

Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Beck.

Read third time and finally passed.

### House Bill No. 39.

The Chair laid before the Senate on its third reading the following bill:

By Mr. Harman:

H. B. No. 39, A bill to be entitled "An Act to amend Chapter 29, Acts of the First Called Session of the Forty-first Legislature, relating to the selection of jurors in certain counties; providing for the appointment of jury commissioners to select jurors; providing the qualifications of said commissioners, etc., and declaring an emergency."

Read third time and finally passed by the following vote:

Yeas—30.

Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Beck.

### Motion to Set Special Order.

Senator Purl moved to set H. B. No. 239 as special order immediately following the morning call tomorrow. The motion prevailed by the following vote:

Yeas—28.

Berkeley.	Parr.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Nay—1.

Martin.

Absent.

Parrish.

Absent—Excused.

Beck.

#### Motion to Reconsider.

Senator Pollard spread on the Journal a motion to reconsider the vote by which the Senate refused to print H. B. No. 770 on minority report.

#### Notice of Intent.

Senator Loy gave notice that tomorrow he would call up his motion spread on the Journal to print H. B. No. 966 on minority report.

#### Adjournment.

Senator Stevenson moved to adjourn until 10 o'clock tomorrow morning.

Senator Woodruff moved to adjourn until 9:30 a. m. tomorrow.

The motion to adjourn until 10 o'clock prevailed and at 6:02 p. m. the Senate adjourned.

### APPENDIX.

#### Petitions and Memorials.

Austin, Texas, May 3, 1931.

Be It Resolved, That the Texas Managing Editor's Association, representing 79 daily newspapers of this State, memorialize the Forty-second Legislature of Texas to pass at this session Senate Bill No. 476 by Senator Margie Neal providing for the speedier and more nearly complete reporting and tabulating of election returns.

Be it further Resolved, That copies of this memorial be handed to the Lieutenant Governor and Speaker of the House for communication to both bodies.

Adopted this third day of May, 1931, by the Association at its semi-annual convention.

JAMES R. RECORD,  
President.  
ALLEN MERRIAM,  
Secretary.

#### Committee on Engrossed Bills.

Committee Room,

Austin, Texas, May 6, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 74 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,

Austin, Texas, May 4, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 328 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,

Austin, Texas, May 4, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 387 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,

Austin, Texas, May 4, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 348 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,

Austin, Texas, May 5, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 322 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,

Austin, Texas, May 4, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 5 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,

Austin, Texas, May 6, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on En-

engrossed Bills, have had S. B. No. 90 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,

Austin, Texas, May 6, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 617 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,

Austin, Texas, May 6, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 106 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

#### Committee Reports.

Committee Room,

Austin, Texas, May 6, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 619, A bill to be entitled "An Act to amend H. B. No. 59, Acts of the Regular Session of the 42nd Legislature, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WOODWARD, Chairman.

#### (Minority Report.)

Committee Room,

Hon. Edgar E. Witt, President of the Senate.

Sir: We, a minority of your Committee on State Affairs, to whom was referred

H. B. No. 966, A bill to be entitled "An Act providing for the attendance of the Attorney General of Texas upon all hearings of the Commissioners' Court, etc., and declaring an emergency."

Ref leave to differ with the majority and recommend that said bill do pass.

ONEAL,  
DeBERRY.

#### (Majority Report.)

Committee Room,

Austin, Texas, May 5, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, a majority of your Committee on State Affairs, to whom was referred

H. B. No. 966, A bill to be entitled "An Act providing for the attendance of the Attorney General of Texas upon all hearings of the Commissioners' Court, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

MOORE, Chairman.

Committee Room,

Austin, Texas, May 6, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We your Committee on Public Lands and Buildings, to whom was referred

H. B. No. 819, A bill to be entitled "An Act granting to the City of Port Arthur, Texas, all rights, title and interest of the State of Texas to certain land lying and being situated in and under the waters of Lake Sabine, etc. \* \* \*"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with the following committee amendment:

"Amend House Bill No. 819 by adding thereto:

"Section 5a. This grant to the City of Port Arthur is made subject to all rights, easements and privileges which the United States Government now has or which may hereafter be granted to it by the State of Texas in and to the lands hereinbefore described, or any part thereof."

THOMASON, Chairman.

Committee Room,

Austin, Texas, May 5, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 823, A bill to be entitled "An Act fixing the salary of the members of the Commissioners' Courts in counties having a popula-

tion of not less than nineteen thousand eight hundred fifty (19,850), and not more than nineteen thousand eight hundred eighty (19,880), according to the last available Federal Census; and in which counties there have been voted road bonds in a sum exceeding Two Million (\$2,000,000.00) Dollars; providing the method of payment; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed, being a local bill.

POAGE, Chairman.

Committee Room,

Austin, Texas, May 5, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 825, A bill to be entitled "An Act fixing the salary of County Auditors in counties having a population of not less than nineteen thousand, eight hundred fifty (19,850) and not more than nineteen thousand eight hundred eighty (19,880), according to the last available Federal Census; providing for the method of payment; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed, being a local bill.

POAGE, Chairman.

Committee Room,

Austin, Texas, May 5, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 988, A bill to be entitled "An Act authorizing counties and incorporated cities and the Texas State Park Board, separately, or in cooperation with each other, to acquire by gift or purchase land for public parks, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MOORE, Chairman.

Committee Room,

Austin, Texas, May 5, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 648, A bill to be entitled "An Act amending Article 7058, Revised Statutes of Texas, 1925, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MOORE, Chairman.

Committee Room,

Austin, Texas, May 5, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 239, A bill to be entitled "An Act to create and establish Trinity River Canal and Conservancy District under authority of Section 59 of Article XVI of the Constitution of Texas, to be a governmental agency, a body politic, municipal and corporate; etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Committee Room,

Austin, Texas, May 6, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Banking, to whom was referred

S. B. No. 326, A bill to be entitled "An Act providing that the State of Texas, when it deposits its funds in a State Depository and same are secured as provided by law, shall have no prior right of payment out of the assets of such depository."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

RUSSEK, Chairman.

Committee Room,

Austin, Texas, March 11, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred



S. B. No. 476, A bill to be entitled "An Act providing that the returns of general elections and primary elections shall be promptly transmitted as required by law, and providing penalties for violation of this Act and remedies for its enforcement; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass but that the attached Committee Substitute do pass in lieu hereof.

HOPKINS, Chairman.

By Neal. S. C. S. B. No. 476.

A BILL  
To Be Entitled

An Act requiring the prompt return of the results of General, Primary and other elections, requiring Commissioners' Courts to open and canvass returns not later than four days after election, and providing for unofficial but complete returns, as well as for official returns as provided by law; defining further the duties of election officers; fixing their compensation; regulating use of unofficial returns; providing for reports in precincts using voting machines and absentee ballots; requiring the Secretary of State to open and count election returns on the 15th day after an election; providing penalties for violation of this Act, and remedies for its enforcement; repealing all laws in conflict with this Act; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Four days following the day of election, and not before, the Commissioners Court shall open the election returns and estimate the result, recording the state of the polls in each precinct in the book to be kept for that purpose; provided, that, in the event of a failure from any cause of the Commissioners' Court to convene on the fourth day following the election to compute the votes, then said court shall be convened for that purpose upon the earliest day practicable thereafter.

Sec. 2. Any County Judge or other officer whose duty it is under the law to transmit to the seat of

Government of the State any election returns shall properly transmit the same within twenty-four hours after the Commissioners' Court shall have opened the returns and estimated the result of the election as provided by law.

Sec. 3. Any officer or person whose duty it is under the law to send or certify to the Secretary of State the returns of any primary or other election or votes cast at any primary or other election or any tabulated statement relative thereto shall send or certify to the Secretary of State such returns or such votes cast or such tabulated statement within twenty-four hours after the votes cast in said primary or other elections have been counted and canvassed in the county by the proper county executive committee.

Sec. 4. In all general or primary elections from voting boxes where telephone service is available, the presiding judge of election shall, upon completion of the count, immediately transmit by telephone or by more expeditious means, if available, to the office of the county clerk, if a general election, or to the county chairman, if a primary election, an unofficial but complete report of the number of votes cast for each candidate, and/or cast for and against each proposition submitted to the voters for determination. From boxes where telephone service is not available, the presiding officer of election shall transmit this report by the most expeditious means.

Sec. 5. The County Clerk, in case of a general election, or the county chairman, if a primary election, shall tabulate such unofficial returns when received, and at convenient intervals until midnight of election day, announce at the courthouse door, or have announced, at some other designated place, the total number of votes, as far as tabulated at the time, received by each candidate, and/or cast for and against each proposition submitted to the voters for determination. When returns from every precinct in the county shall have been tabulated, he shall immediately announce the total number of votes received by each candidate, and/or cast for and against each proposition submitted to the people.

Sec. 6. For receiving unofficial

returns by telephone and tabulating them as herein provided, the county clerk or county chairman and assistants employed in the work shall receive the same compensation per hour as allowed precinct judges of election.

Sec. 7. Charges for telephone or other service in transmitting unofficial returns to the county clerk shall be payable out of the county treasury. Charges for such service in primary elections shall be payable out of the funds of the political parties holding such elections.

Sec. 8. The tabulation of unofficial returns shall be precerved for public inspection until such time as official returns shall have been tabulated after which the unofficial tabulation may be destroyed.

Sec. 9. In precincts using voting machines, where absentee ballots have been voted by mail, none of said ballots shall be opened until immediately after the closing of the polls to the voters who vote in person. If there be more than one absent voter's ballot entitled to be cast, they shall, without being unfolded, be thoroughly intermingled in some proper manner, after which they shall be unfolded and, under the personal supervision of all the judges, be registered on the voting machine the same as if the absent voter had been present and voted in person.

Sec. 10. On the fifteenth day after the election, the day of election excluded, and not before, the Secretary of State in the presence of the Governor and Attorney General, or in case of vacancy in either of such offices, or in inability or failure of either of said officers to act, then in the presence of either one of them, shall open and count the returns of the election.

Sec. 11. Any County Judge or election officer or other officer or any county chairman or primary election judge, or other officer charged with the performance of any duty under this Act, who shall fail or refuse to perform such duties within the time and in the manner required by this Act, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than Fifty (\$50.00) Dollars, nor more than Five Hundred (\$500.00) Dollars, or confined in the county jail not to exceed thirty

days, or by both such fine and imprisonment.

Sec. 12. No election officer or primary election officer or county judge or county chairman, who shall fail to perform the duties required by this Act in the manner and within the time prescribed by this Act, shall be eligible thereafter to hold such office, and may be removed therefrom by quo warranto.

Sec. 13. As a cumulative remedy the Attorney General may institute and prosecute mandamus proceedings in any District Court of Travis County against any officer or person failing to send in, certify or transmit to the seat of government, or to the Secretary of State as the case may be, returns of elections and primary elections as requested by this Act.

Sec. 14. All laws and parts of laws in conflict with this Act insofar as they conflict are hereby repealed.

Sec. 15. The fact that in many instances local officers fail to transmit the returns of elections and primary elections thus delaying the official ascertainment of the result of elections, and the further fact that this Act is calculated to remedy this evil, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and that this Act shall take effect and be in force from and after its passage, and said rule is hereby suspended, and it is so enacted.

Amendments to S. C. S. B. No. 476.

Amend S. C. S. B. No. 476 by adding in line 48, page 2, after the words "Commissioners' Courts" the words "or other proper officers."

NEAL.

Amend S. C. S. B. No. 476 by striking out all of Section 1 and inserting in lieu thereof the following:

"Section 1. Four days following the day of any General Primary Election or other election, and not before, the Commissioner's Court, or other proper officers, shall open the election returns and estimate the result, recording the state of the polls in each precinct in a book to be kept for that purpose; provided, that in

the event of a failure from any cause of the Commissioners Court or other proper officers to meet on the fourth day following the election to compute the votes, then the said Commissioners Court or other said officers shall meet for that purpose upon the earliest day practicable thereafter."

NEAL.

Amend S. C. S. B. No. 476 in Section 2, line 5, page 3, of the printed bill by inserting after the words "Commissioners Court" the words "or other proper officers."

NEAL.

Amend S. C. S. B. No. 476 by striking out in line 13, page 3, "counted by the proper county executive committee" and insert in lieu thereof the words "officially counted."

Amend S. C. S. B. No. 476 by adding the following at the end of Section 3.

"provided that the presiding judge of such elections shall certify the official returns to the proper officials not later than twelve hours after the polls are closed at any such election."

NEAL.

Amend S. C. S. B. No. 476 by striking out all of Section 13, page 4 of the printed bill, and inserting in lieu thereof the following:

"Section 13. As a cumulative remedy the Attorney General, or the District or County Attorney of the County where such election is held, may institute and prosecute mandamus proceedings in the District Court of such county in which the offense occurs, against any officer or person failing to send in, certify or transmit to the seat of government, or to the Secretary of State, as the case may be, returns of elections and primary elections as required by this Act."

NEAL.

Amend S. B. No. 476, page 3, line 58, by adding after the word "election" the words "made to the Secretary of State."

Amend S. C. S. B. No. 476, page 4, by striking out all of line 1 after the word "Dollars" and striking out all of line 2.

Amend S. C. S. B. No. 476 by striking out all of Sections 6 and 7 on page 3.

HOPKINS.

Amend S. C. S. B. No. 476 by striking out all of Sec. 12 on page 4.  
HOPKINS.

Committee Room,

Austin, Texas, May 6, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 905, A bill to be entitled "An Act requiring the judge of any court in which a defendant is convicted of driving a motor vehicle under the influence of intoxicating liquor, to enter an order prohibiting such person so convicted from driving any motor vehicle for a period of two years; providing that a violation of such order shall be punished as for contempt; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendments, and be printed in the Journal.

SMALL, Chairman.

Committee Amendment No. 1.

Amend House Bill No. 905 by striking out the caption and adding in lieu thereof the following:

"A BILL

To Be Entitled

An Act requiring the Judge of any court in which a defendant is convicted of driving a motor vehicle while under the influence of intoxicating liquor, to enter an order prohibiting such person so convicted from driving any motor vehicle for any period of not exceeding two years; providing that a violation of such order shall be punished as for contempt; and declaring an emergency."

Committee Amendment No. 2.

Amend House Bill No. 905 by striking out all of Section 1 and adding in lieu thereof the following:

"Section 1. In all cases where a defendant is convicted of driving a motor vehicle while under the influence of intoxicating liquor, the judge of the court where such conviction is had may in his discretion cause to be entered on the minutes

of the court an order prohibiting such defendant from driving any motor vehicle for not exceeding any period of two years from the date of conviction. Any person violating such order shall be deemed guilty of contempt and be punished in the manner now provided for contempt of court."

Engrossed Rider No. 1.

Amend the caption of House Bill No. 905 to conform to all changes in the body of the bill.

Adopted April 18, 1931.

By Burns of McCulloch. H. B. No. 905.

A BILL  
To Be Entitled

An Act requiring the Judge of any Court in which a defendant is convicted of driving a motor vehicle while under the influence of intoxicating liquor, to enter an order prohibiting such person so convicted from driving any motor vehicle for a period of two years, providing that a violation of such order shall be punished as for contempt and declaring an emergency. Be it enacted by the Legislature of the State of Texas:

Section 1. In all cases where a defendant is convicted of driving a motor vehicle while under the influence of intoxicating liquor or narcotics, the Jury at the same time shall add to their verdict the length of time that the defendant shall be prohibited from driving any motor vehicle on the highways of this State. The Judge of the Court where such conviction is had shall cause to be entered on the Minutes of the Court an order prohibiting such defendant from driving any motor vehicle for a period of time found by the Jury. Any person violating such an order shall be deemed guilty of contempt and be punished in the manner now provided for contempt of Court.

Sec. 2. The importance of this Act and the fact that drunken drivers should be placed on probation for a period of time during which they should not be allowed to drive motor vehicles, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended,

and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, May 6, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 592, A bill to be entitled "An Act amending Article 3883 of the Revised Civil Statutes of 1925, as amended by Acts, 1930, Forty-first Legislature, Fourth Called Session, page 30, Chapter 20; said article relating to fees and compensation of county, district and precinct officers, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendments, and be printed in the Journal.

MOORE, Chairman.

Committee Amendment.

Amend House Bill No. 592 by striking out the first paragraph appearing on page 2 of the bill, and by inserting in lieu thereof the following:

"2. In counties containing as many as twenty-five thousand (25,000) and less than thirty-seven thousand, five hundred (37,500) inhabitants, in which there is no city containing twenty-five thousand (25,000) inhabitants; County Judge, Two Thousand, Five Hundred (\$2,500.00) Dollars; Sheriff, Three Thousand (\$3,000.00) Dollars; County Clerk, Two Thousand Four Hundred (\$2,400.00) Dollars; County Attorney in counties having only one District Court, Two Thousand, Four Hundred (\$2,400.00) Dollars, and in counties having two or more District Courts, and in which there is no District Attorney, Three Thousand, Five Hundred (\$3,500.00) Dollars; District Attorney, Two Thousand, Five Hundred (\$2,500.00) Dollars; District Clerk, in counties having only one District Court, Two Thousand, Four Hundred (\$2,400.00) Dollars, and in counties having two or more District Courts, Three Thousand Five Hundred (\$3,500.00) Dollars; Tax Assessor, Two Thousand, Four Hundred (\$2,400.00) Dollars; Tax Collector, Two Thousand, Four Hundred (\$2,400.00) Dollars.

By Cunningham, H. B. No. 592.  
et. al.

### A BILL

#### To Be Entitled

An Act amending Article 3883 of the Revised Civil Statutes of 1925, as amended by Acts, 1930, 41st Legislature, 4th Called Session, Page 30, Chapter 20; said Article relating to fees and compensation of County, District and Precinct Officers; declaring an emergency, and providing that this Act shall become effective from and after its passage.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 3883 of the Revised Civil Statutes of Texas for 1925, as amended by Acts, 1930, 41st Legislature, 4th Called Session, Page 30, Chapter 20, be and the same is hereby amended to read as follows:

Article 3883. Maximum Fees. Except as herein provided, the maximum annual fees that may be retained by County Officers mentioned in this Article shall be as follows:

1. In counties containing less than twenty-five thousand (25,000) inhabitants; County Judge, Two Thousand, Two Hundred Fifty (\$2,250.00) Dollars; Sheriff, Two Thousand, Seven Hundred Fifty (\$2,750.00) Dollars; County Clerk, Two Thousand, Two Hundred Fifty (\$2,250.00) Dollars; County Attorney, Two Thousand, Two Hundred Fifty (\$2,250.00) Dollars; District Clerk, Two Thousand, Two Hundred Fifty (\$2,250.00) Dollars; Tax Collector, Two Thousand, Two Hundred Fifty (\$2,250.00) Dollars; Tax Assessor, Two Thousand, Two Hundred Fifty (\$2,250.00) Dollars; Justice of the Peace, Two Thousand (\$2,000.00) Dollars; Constable, Two Thousand (\$2,000.00) Dollars.

2. In counties containing as many as twenty-five thousand (25,000) and less than thirty-seven thousand, five hundred (37,500) inhabitants, in which there is no city containing over twenty-five thousand (25,000) inhabitants: County Judge, Two Thousand, Five Hundred (\$2,500.00) Dollars; Sheriff, Three Thousand (\$3,000.00) Dollars; County Clerk, Two Thousand, Four Hundred (\$2,400.00) Dollars; County Attorney, Two Thousand, Four

Hundred (\$2,400.00) Dollars; District Attorney, Two Thousand, Five Hundred (\$2,500.00) Dollars; District Clerk, in counties having only one District Court, Two Thousand, Four Hundred (\$2,400.00) Dollars, and in counties having two or more District Courts, Three Thousand, Five Hundred (\$3,500.00) Dollars; Tax Assessor, Two Thousand, Four Hundred (\$2,400.00) Dollars; Tax Collector, Two Thousand, Four Hundred (\$2,400.00) Dollars.

3. In counties containing as many as thirty-seven thousand, five hundred (37,500) inhabitants, or containing a city of over twenty-five thousand (25,000) inhabitants: County Judge, Three Thousand, Five Hundred (\$3,500.00) Dollars; Sheriff, Three Thousand, Five Hundred (\$3,500.00) Dollars; County Clerk, Two Thousand, Seven Hundred Fifty (\$2,750.00) Dollars; County Attorney, Three Thousand, Five Hundred (\$3,500.00) Dollars; District Attorney, Two Thousand, Five Hundred (\$2,500.00) Dollars; District Clerk, Two Thousand, Seven Hundred Fifty (\$2,750.00) Dollars; Tax Assessor, Two Thousand, Seven Hundred Fifty (\$2,750.00) Dollars.

Compensation herein fixed for Sheriff of any county shall be exclusive of any reward received for the apprehension of criminals or fugitives from justice. The maximum fixed for the compensation of each District Attorney, shall be inclusive of the salary allowed by the Constitution.

Sec. 2. The fact that under United States Census of 1930, it is shown the number of inhabitants of certain counties of this State having two or more District Courts therein, has decreased to such an extent as to reduce the maximum fees heretofore paid District Clerks therein; and the further facts that such decrease in the number of inhabitants has not lessened the services required of such District Clerks of such counties having two or more District Courts therein, and that such District Clerks do not now receive adequate compensation for the services required of them, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days be, and the same is hereby suspended, and this Act shall take effect from

and after its passage, and it is so enacted.

Committee Room,  
Austin, Texas, May 6, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 867, A bill to be entitled "An Act to amend Article 775 of Chapter 3, Title 9, of the Code of Criminal Procedure of Texas, of 1925, prescribing when the sentence shall be an indeterminate sentence, and fixing the time a penitentiary sentence shall begin to run; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendment, and be printed in the Journal.

SMALL, Chairman.

#### Amendment No. 1.

Amend House Bill No. 867 by adding to the last line of Section 1, the following:

"and when such person is in custody of some officer of the State under and by virtue of such sentence."

By Mathis.

H. B. No. 867.

#### A BILL To Be Entitled

An Act to amend Article 775 of Chapter 3, Title 9, of the Code of Criminal Procedure of Texas of 1925, prescribing when the sentence shall be an indeterminate sentence, and fixing the time a penitentiary sentence shall begin to run, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 775 of Chapter 3, Title 9, of the Code of Criminal Procedure of the State of Texas of 1925 shall be amended so as to hereafter read as follows:

Art. 775. If the verdict fixes the punishment at confinement in the penitentiary for more than the minimum term, the Judge in passing sentence shall pronounce an indeterminate sentence, fixing in such sentence as the minimum the time

provided by law as the lowest term in the penitentiary and as the maximum the term stated in the verdict. The term of one sentenced to confinement in the penitentiary shall begin when the sentence becomes final.

Sec. 2. The fact that this amendment will make the present Statute on indeterminate sentences clear, it being at present in conflict with the Statute as to verdicts, which does not always require the punishment to be stated in the verdict, as in cases where the punishment is absolutely fixed by law, and the fact that there is now no law fixing the time when a sentence in the penitentiary shall begin to run, and that many convicts are kept in jail after their sentences become final, and now in county jails on account of the crowded condition of the penitentiary, create an emergency, and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days be suspended, and said Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

#### SIXTY-SEVENTH DAY.

Senate Chamber,  
Austin, Texas,  
May 7, 1931.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Beck.